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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,238	11/18/2005	Norihito Naito	00684.003635.	6461
5514 7590 11/26/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
EVANS, GEOFFREY T				
ART UNIT		PAPER NUMBER		
2852				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,238

Applicant(s)

NAITO ET AL.

Examiner

GEOFFREY T. EVANS

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2008 has been entered.

Specification

The disclosure is objected to because of the following informalities:

The Brief Description of the Drawings currently does not have a description for figures 31a and 31b. Furthermore, each of figures 16, 16a, 16b; 20, 20a, 20b; 28, 28a, 28b; 32, 32a, and 32b should have separate descriptions.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto (2002/0071689).

Regarding claim 1, and claim 3 depending therefrom, Miyamoto discloses an image forming apparatus operable in a first image formation mode for forming an image on an image bearing member (**see paragraph [0063]**) by using developer under a first predetermined image forming condition ("**fine**" mode; **see paragraph [0096]**) and a second image formation mode for forming an image on an image bearing member by using developer under a second image forming condition ("**fine**" mode; **see paragraph [0096]**) which is different from the first predetermined image forming condition (**see paragraph [0096]**) and is set so that an amount of consumption of developer with respect to an identical image in the second image formation mode is smaller than that in the first image formation mode (**see paragraph [0096]**), the apparatus comprising:

a storing device configured to store information on an amount of usage of the image bearing member (**see paragraph [0100]; counts number of copies made; that inherently tracks usage of the photoconductor**);

an image processing controller configured to discriminate a size of a concentrated pixel area in image information when the second image formation mode is set (**see paragraph [0096] and text in figure 22; it finds edges of character and graphic images, and distinguishes them from internal areas; that is equivalent to determining the size of concentrated pixel areas**); and

a controller configured to set said the second image forming apparatus condition in the first image formation mode or the second image formation mode (**controller 2000, see paragraph [0052]; responds to commands from user panel, see paragraph [0064]; including changes in toner consumption mode, see paragraphs**

[0071] and [0073]; can select between these two modes in particular, see paragraphs [0071], [0073], and [0096]),

wherein said controller, in a state in which said controller is configured to set said image forming apparatus in the second image formation mode, controls the second image forming condition on the basis of on a discrimination result of said image processing controller and the information stored in said storing device **(see paragraph [0096]; forms images in “fine draft mode,” and, if selected, prints the edges of the images heavier than the interiors, in response to identification of edges and interiors, which reads on discrimination of a size of concentrated pixel areas).**

Regarding claim 3, Miyamoto discloses an apparatus according to Claim 1, wherein said controller changes the second image forming condition depending on whether the concentrated pixel area is larger or smaller than a predetermined size **(see paragraph [0096]; it changes the density at the edges, which meets this limitation).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (2002/0071689), in view of Yamauchi (7,274,884).

See the foregoing rejection of claim 1, for all limitations recited therein.

Regarding claim 4, Miyamoto does not disclose an apparatus according to Claim 1, wherein the information on the amount of usage of the image bearing member is predetermined threshold information, and said controller changes the second image forming condition when the amount of usage of the image bearing member reaches a predetermined threshold represented by the predetermined threshold information.

Yamauchi discloses an apparatus according to Claim 1, wherein the information on the amount of usage of the image bearing member is predetermined threshold information (**tracks photoconductor usage; makes adjustments when it reaches certain thresholds; see column 8, lines 57-61**), and said controller changes the second image forming condition when the amount of usage of the image bearing member reaches a predetermined threshold represented by the predetermined threshold information (**changes toner consumption mode; see column 16, lines 45-54**).

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the invention of Miyamoto such that the information on the amount of usage of the image bearing member is predetermined threshold information, as discussed by Yamauchi, so that the invention can determine when to change usage settings to meet operational specifications as the part wears, as noted by Yamauchi (**see column 7, lines 40-59**).

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the invention of Miyamoto such that said controller changes the second image forming condition when the amount of usage of the image bearing member reaches a predetermined threshold represented by the predetermined threshold information, as discussed by Yamauchi, in order to compensate for changes in operational conditions and maintain image quality, as noted by Yamauchi (**see column 16, lines 18-23 and 61-67**).

Regarding claim 5, and claim 6 depending therefrom, Miyamoto discloses an apparatus according to Claim 1,

wherein said image forming apparatus further comprises an exposure device configured to expose the image bearing member (**electrophotography; see paragraph [0063]; as Yamauchi explains in column 1, lines 21-31; this requires such an exposure device**);

Miyamoto does not disclose that the second image formation condition includes an exposure operation condition on the exposure device.

Yamauchi discloses a second image formation condition including an exposure operation condition on the exposure device (**different mode is changing exposure operation condition; see column 16, lines 54-60**).

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the invention of Miyamoto, such that the second image formation condition includes an exposure operation condition on the exposure device,

as discussed by Yamauchi, in order to compensate for changes in operational conditions and maintain image quality, as noted by Yamauchi **(see column 16, lines 18-23 and 61-67)**.

Regarding claim 6, the modification made in the rejection of claim 5 further teaches an apparatus according to Claim 5, wherein the exposure operation condition is an exposure time or luminous energy of said exposure device **(see the foregoing rejection of claim 5; and column 16, lines 18-23 and 61-67)**.

Regarding claim 7, and claim 8 depending therefrom, Miyamoto discloses an apparatus according to Claim 1, wherein said apparatus includes a charging member configured and positioned to electrically charge the image bearing member and a developing member configured and positioned to supply the developer to the image bearing member **(electrophotography; see paragraph [0063]; as Yamauchi explains in column 1, lines 21-55; this requires said members)**.

Miyamoto does not disclose that the second image forming condition comprises a charging condition of the charging member and a developing condition of the developing member.

Yamauchi discloses a second image formation condition comprising a charging condition of the charging member and a developing condition of the developing member **(see column 16, lines 54-60)**.

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the invention of Miyamoto such that the second image

forming condition comprises a charging condition of the charging member and a developing condition of the developing member, as discussed by Yamauchi, in order to compensate for changes in operational conditions and maintain image quality, as noted by Yamauchi **(see column 16, lines 18-23 and 61-67)**.

Regarding claim 8, the modification made in the rejection of claim 7 further teaches an apparatus according to Claim 7, wherein the charging condition is a bias voltage applied to the charging member and the developing condition is a bias voltage applied to the developing member **(see the foregoing rejection of claim 5; and column 16, lines 18-23 and 61-67)**.

Regarding claim 9, and claim 10 depending therefrom, Miyamoto does not disclose an apparatus according to Claim 1, wherein the image bearing member and said storing device are integrally supported to form a cartridge which is detachably mountable to the image forming apparatus.

Yamauchi discloses an apparatus according to Claim 1, wherein the image bearing member and said storing device are integrally supported to form a cartridge which is detachably mountable to the image forming apparatus **(see column 1, lines 35-42)**.

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the invention of Miyamoto such that the image bearing member and said storing device are integrally supported to form a cartridge which is

detachably mountable to the image forming apparatus, as discussed by Yamauchi, in order to simplify maintenance, as noted by Yamauchi (**see column 1, lines 32-35**).

Regarding claim 10, Miyamoto does not disclose an apparatus according to Claim 9, wherein the cartridge further comprises the charging member or the developing member.

Yamauchi discloses an apparatus according to Claim 9, wherein the cartridge further comprises the charging member or the developing member (**see column 1, lines 37-39**).

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the invention of Miyamoto such that the cartridge further comprises the charging member or the developing member, as discussed by Yamauchi, in order to simplify maintenance, as noted by Yamauchi (**see column 1, lines 32-35**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEOFFREY T. EVANS whose telephone number is (571)272-2369. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272 2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David M Gray/
Supervisory Patent Examiner,
Art Unit 2852

GTE